

ITEM NO.40+43+44+45+46

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 640/2025

ASSOCIATION FOR DEMOCRATIC REFORMS & ORS.

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA

Respondent(s)

(IA No. 155692/2025 - STAY APPLICATION)

WITH

W.P. (C) No. 637/2025 (PIL-W)

IA No. 155298/2025 - EXEMPTION FROM FILING O.T.

IA No. 155300/2025 - GRANT OF INTERIM RELIEF

W.P. (C) No. 636/2025 (PIL-W)

IA No. 155265/2025 - APPLICATION FOR PERMISSION

IA No. 155262/2025 - STAY APPLICATION

W.P. (C) No. 638/2025 (PIL-W)

IA No. 155401/2025 - GRANT OF INTERIM RELIEF

W.P. (C) No. 630/2025 (PIL-W)

IA No. 154352/2025 - EXEMPTION FROM FILING O.T.

IA No. 156066/2025 - INTERVENTION APPLICATION

IA No. 154351/2025 - STAY APPLICATION

W.P. (C) No. 631/2025 (PIL-W)

IA No. 155803/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES

(IA No. 154421/2025 - STAY APPLICATION)

W.P. (C) No. 642/2025 (PIL-W)

(IA No. 156189/2025 - STAY APPLICATION)

WITH

Writ Petition(s) (Civil) No(s). 634/2025

Writ Petition(s) (Civil) No(s). 644/2025

Writ Petition(s) (Civil) No(s). 645/2025

Writ Petition(s) (Civil) No(s). 646/2025

Date : 10-07-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
[PARTIAL COURT WORKING DAYS BENCH]

For Petitioner(s) : Dr. Abhishek Manu Singhvi, Sr. Adv.
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Mr. Gopal Singh, Adv.
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Mr. D. P. Singh, Adv.

Mr. Ashish Kumar Chaurasiya, Adv.
Mr. Ganga Sagar Singh, Adv.
Mr. Adarsh Verma, Adv.

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Mr. Ashwani Kumar Dubey, AOR
Mr. Nikhil Upadhyay, Adv.

For Respondent(s)	<p>Mr. K. K. Venugopal, Attorney General for India Mr. Tushar Mehta, Solicitor General Mr. Kanu Agarwal, Adv. Mr. Raman Yadav, Adv. Ms. Sansriti Pathak, Adv. Mr. Gaurang Bhushan, Adv.</p> <p>Mr. Rakesh Dwivedi, Sr. Adv. Mr. Eklavya Dwivedi, Adv. Mr. Kumar Utsav, Adv. Mohd. Yasir, Adv.</p>
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 Mr. Sneh Vardhan, Adv.
 Mr. Pankaj Kumar Shukla, Adv.
 Mr. Chhal Bihar Singh, Adv.
 Mr. Anantha Narayana M.G., AOR

UPON hearing the counsel the Court made the following

O R D E R

An important question has been raised in these bunch of petitions, including Public Interest Litigations, before this Court. The question, petitioners would argue, goes to the very root of the functioning of a democracy - the question of 'Right to Vote' of the electorate. The case of the petitioners is that the ongoing exercise undertaken by the Election Commission of India, vide its order dated 24.06.2025, called Special Intensive Revision ('SIR'), of Electoral Roll violates the Fundamental Rights of the voters in Bihar, *inter alia* under Articles 14, 21, 324, 325 and 326 of the

Constitution of India. It is also in violation of the provisions of Representation of Peoples Act, 1950 and the Rules framed therein, particularly, the Registration of Electors Rules, 1960, the petitioners would say. Another submission of the petitioners would be that the order dated 24.06.2025 of Election Commission of India gives a list of 11 documents, and a prospective voter has to submit one of these documents to establish its veracity as a voter in a particular constituency. Yet there may be many bona fide voters who will be rendered ineligible as they may not have any of these 11 documents.

Mr. Rakesh Dwivedi, learned senior counsel representing the Election Commission of India, on the other hand, would submit that the last Intensive Revision of Electoral Rolls took place in Bihar as far back as in the year 2003 and presently, an intensive revision is required, which is also mandated under Article 326 read with Section 21(3) of the Representation of Peoples Act, 1950 and the Rules framed therein. The Election Commission of India is only following the mandate of law.

In short, the petitioners question the following:

a) the powers of the Election Commission to undertake the present exercise of Special Intensive Revision;

b) the procedure being adopted and the manner in which the exercise is being undertaken; and

c) the timing for undertaking the present exercise including the time line given for preparation of the Draft Electoral Rolls, objections, etc. and the final publication of Electoral Roll, considering the fact that in Bihar State Assembly Elections are due in November, 2025, for which Notifications will come weeks in advance.

The matter needs hearing. We hence issue notice in all these petitions, returnable on 28.07.2025. Notice is accepted by the Election Commission of India. Let Counter affidavit be filed by the Election Commission of India on or before 21.07.2025. Rejoinder affidavit, if any, be filed before 28.07.2025.

Mr. Rakesh Dwivedi had pointed out to us that the documents which are to be considered by the Election Commission for verification of the voters illustrates 11 documents, but the list is not exhaustive. Since the list is not exhaustive, in our *prima facie* opinion, it would be in the interest of justice if the Election Commission of India also considers the following three documents as well (apart from the 11 documents mentioned in order dated 24.06.2025), i.e., A) Aadhar Card; B)

Electors Photo Identify Card (EPIC), which is issued by Election Commission of India itself, and C) the Ration Card.

The Election Commission may presently proceed in accordance with law, in light of our above observations. Since these cases will come up before the appropriate Court prior to August 1, 2025 which is the scheduled date for notification of Draft Electoral Rolls there is no occasion presently to pass any order on the *ad interim* stay applications, and the petitioners in any case do not press for a stay at this stage. Depending on the reply of the Election Commission the petitioners would always be at liberty to press their plea for stay on the next date of listing.

Let the matter be listed on 28.07.2025 before appropriate Court.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR